REMARKS

In response to the Final Office Action dated October 19, 2010, Assignee respectfully requests reconsideration. Claims 1-10, 14, 16, 18-23 and 25-47 were previously pending in this application. By this amendment, claims 16, 20, 22 and 46-47 have been amended. As a result, claims 1-10, 14, 16, 18-23 and 25-47 are pending for examination with claims 1, 16, 22 and 40 being independent. No new matter has been added.

The Amendments Should Be Entered

Claims 16, 20 and 46-47 are herein amended to clarify claim language that was previously presented. None of these changes to the claims raises new issues that would justify refusal to enter the requested amendments. The amendments do, however, place the application in better condition for allowance or appeal.

Allowable Subject Matter

The Assignee notes with appreciation the indication that claims 46 and 47 recite allowable subject matter and would be allowable if they did not depend from allowed base claims.

Rejections Under 35 U.S.C. §101

The Office Action rejected claims 1-10, 14, 16, 18-21 45 and 46 under 35 U.S.C. §101 because the claimed invention is purportedly directed to non-statutory subject matter, e.g. covering a transitory signal. The Assignee respectfully disagrees.

The Office Action purports that the aforementioned claims are directed towards a "computer readable medium" (Office Action Dated October 19th, 2010, page 2). This is incorrect. The claims were all previously amended to recite a "computer-*storage* medium" (emphasis added). The Office Action relies on [0024] to support its contention that a broad interpretation of the claim language appropriately covers transitory signals.

To the contrary [0024] in conjunction with [0023] clarifies that "computer storage medium" does *not* cover transitory signals. The term "computer *readable* medium" covers both computer *storage* medium and *communication media,* according to [0024]. This makes it clear that a

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computer storage medium is a subset of computer readable media that does not include communication media and transitory signals. The issue is further clarified at [0023] where a list of example computer storage media are listed. All examples listed are not transitory and are physically component of the computer system.

Moreover, the language used in the claims is statutory under 35 U.S.C. § 101 pursuant to MPEP 2106.01(I), which states in relevant part:

> a claimed computer-readable medium encoded with a
> computer program is a computer element which defines structural
> and functional interrelationships between the computer program
> and the rest of the computer which permit the computer
> program's functionality to be realized, and is thus statutory

For at least the foregoing reasons, claims 1-10, 14, 16, 18-21 45 and 46 are statutory. The Assignee respectfully requests withdrawal of the rejections under 35 U.S.C § 101.

Rejections Under 35 U.S.C. §112

The Office Action rejected claims 16 and 22 under 35 U.S.C. §112, second paragraph as it is purportedly unclear what these first, second and third combination are, and further because it is unclear whether these combinations output the same result every time when reapplied at different times. These rejections are respectfully traversed.

Claim 16 is Definite

Claim 16 is herein amended to recite a "combination of network conditions is identified in the plurality of attributes of the computer network." This amendment clarifies the precise meaning of the combinations. The claim is also amended to make it clear that there are "a plurality of attributes of the computer network" that are used to identify the combinations of network conditions. Examples of network attributes are discussed in detail in the specification at, for example, [0035]. It would be clear to one of ordinary skill in the art how to interpret the limitation in light of the specification.

The Office Action, at page 4, also questions "whether these combinations output the same result every time when re-applied...at different times." The Assignee respectfully disagrees that the

answer for this question is relevant to the interpretation of the claims. The claim does not recite that the combinations themselves are "applied" or "re-applied." Rather, the "combinations" are combinations of network conditions, which are merely identified.

For at least the foregoing reasons, claim 16 is definite. Accordingly, it is respectfully requested that the rejection of claim 16 be withdrawn.

Claim 22 is Definite

Claim 22 is not amended herein because the Assignee believes the Amendment in Response to Non-Final Office Action dated July 26, 2010 clearly explains that the combinations are a "combination of attributes of the computer network." Examples of network attributes are discussed in detail in the specification at, for example, [0035]. It would be clear to one of ordinary skill in the art how to interpret the limitation in light of the specification.

The Office Action, at page 4, also questions "whether these combinations output the same result every time when re-applied...at different times." The Assignee respectfully disagrees that the answer for this question is relevant to the interpretation of the claims. The claim does not recite that the combinations themselves are "applied" or "re-applied." Rather, the "combinations" are combinations of attributes, which are merely detected.

For at least the foregoing reasons, claim 22 is definite. Accordingly, it is respectfully requested that the rejection of claim 22 be withdrawn.

Rejections Under 35 U.S.C. §103

The Office Action rejects claims 1, 2, 10, 14, 16, 18-22, 27 and 40-42 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2002/0176366 (Ayyagari) in view of U.S. Patent Publication No. 2002/0178246 (Mayer). The Assignee respectfully disagrees.

Independent Claim 1 is Not Obvious

Ayyagari in view of Mayer does not teach at least the following limitation of claim 1:

> *generating a value* for at least one derived network
> DNA component according to at least one derived network
> DNA component specification, *each derived network DNA*

> *component corresponding to an attribute of the computer*
> *network*, and at least one of said at least one derived network
> *DNA component specification* referencing at least one of said
> at least one network attribute and *processing by which the*
> *value of the derived network DNA component is generated*
> from the referenced at least one network attribute (emphasis
> added)

The Office Action appears to equate "generating a value" and "derived network DNA component" of claim 1 with the ID of an ad hoc network of Ayyagari (Office Action, page 5). However, the Office Action fails to acknowledge the difference between "an attribute of the computer network" and a "derived network DNA component." As is clear from both the claim and the specification (e.g., [0049]), the value for at least one derived network DNA component is generated by the computer and corresponds to "an attribute of the computer network." Attributes of the computer network, as discussed in the specification (e.g., [0035]), are not generated or derived by the computer. Instead attributes are gathered by the computer as discussed in the example embodiment at [0043].

Thus, it should be clear that "attributes of the computer network" are simply received or gathered by the computer, whereas values for at least one derived network DNA component is generated by the computer itself and correspond to attributes of the computer network. The ID of an ad hoc network is something that is acquired by the computer and may therefore be an example of a network attribute, but using that network ID can not be considered "generating a value for at least on derived network DNA component" for the reasons discussed above.

Claim 1 also recites "the execution of the network DNA policy action configuring network security settings of the computer." The references do not teach at least this limitation, alone or in combination.

The Office Action alleges that this limitation is taught by Ayyagari at [0041] and Fig. 4. It is the Assignee's understanding that the Office Action equates "the execution of the network DNA policy action" of claim 1 with connecting to a particular network in Ayyagari. The reference teaches using criteria such as data rates and signal strength to choose a network to connect to. However, there is no teaching that the execution of the policy action "configure[es] network security settings of the computer."

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For at least the foregoing reason, Ayyagari in view of Mayer does not teach every limitation of claim 1. Accordingly, withdrawal of the rejection of independent claim 1, and claims 2-10, 14 and 45 which depend from claim 1, is respectfully requested.

Independent Claim 16 is Not Obvious

Ayyagari in view of Mayer does not teach at least the following limitations of claim 16:

> ***generating a network species component*** according to a derived network DNA component specification, ***the derived network DNA component specification referencing at least one of said plurality of attributes of the computer network.***
> (emphasis added)

The Office Action appears to equate "generating a network species component" and "referencing at least one of said plurality of attributes" of claim 1 with selection of an appropriate network of Ayyagari (Office Action, page 9). However, the Office Action fails to acknowledge the difference between an "attribute[] of the computer network" and a "network species component." As is clear from both the claim and the specification (e.g., [0049], [0056]), the network species component is generated by the computer according to a derived network DNA component specification which references "at least one of said plurality of attributes of the computer network." Attributes of the computer network, as discussed in the specification (e.g., [0035]), are not generated or derived by the computer. Instead attributes are gathered by the computer as discussed in the example embodiment at [0043].

Thus, it should be clear that "attributes of the computer network" are simply received or gathered by the computer, whereas a network species component is generated by the computer itself. Selecting a network to an appropriate network to join is not sufficient to teach the aforementioned limitations. The references, alone or in combination, do not teach "generating a network species component" or a "derived network DNA component specification."

Ayyagari in view of Mayer also fails to teach:

> the network species component ***indicating a network species classification*** selected from among a plurality of network species classifications, the plurality of network species

            classifications *including an enterprise network, a home network,
          and a public place network*
                  the network species component indicating the network
          species is *enterprise network if a first combination of
          network conditions is identified* in the plurality of attributes
          of the computer network;
                  the network species component indicating the network
          species is *home network if a second combination of network
          conditions is identified* in the plurality of attributes of the
          computer network; and
                  the network species component indicating the network
          species is *public place network if a third combination of
          network conditions is identified* in the plurality of attributes
          of the computer network;
            (emphasis added)

The Office Action purports that Ayyagari teaches this limitation at [0035-36]. This portion of the reference teaches the ability to connect to networks "at home, at work…" However, teaching the ability to connect to networks in certain locations is not the same as "indicating a network species classification." Nor does the cited portion of the reference teach the classifications "including an enterprise network, a home network, and a public place network."

For at least the foregoing reasons, Ayyagari in view of Mayer does not teach every limitation of claim 16. Accordingly, withdrawal of the rejection of independent claim 16, and claims 18-21 which depend from claim 16, is respectfully requested.

Independent Claim 22 is Not Obvious

For reasons that should be clear from the discussion of claim 16, at least the following limitations of claim 22 are not taught by the references:

                  the at least one derived network DNA component
          comprising a *network species component* configured to indicate a
          network species classification selected from among a plurality of
          network species classifications, the plurality of network species
          classifications *including an enterprise network, a home network,
          and a public place network,*
                  the network species component indicating the network
          species is *enterprise network if a first combination of attributes
          of the computer network is detected*;

> the network species component indicating the network
> species is *home network if a second combination of attributes of
> the computer network is detected*; and
> the network species component indicating the network species is
> *public place network if a third combination of attributes of the
> computer network is detected*. (emphasis added)

For at least the foregoing reasons, Ayyagari in view of Mayer does not teach every

limitations of claim 22. Accordingly, withdrawal of the rejection of independent claim 22, and

claims 23 and 25-39 which depends from claim 22, is respectfully requested.

Independent Claim 40 is Not Obvious

For reasons that should be clear from the discussion of claim 16, at least the following

limitation of claim 40 is not taught by the references:

> a *network species component configured to indicate a
> network species classification* of the computer network, the
> network species classification selected from among a plurality of
> network species classifications *including enterprise network,
> home network and public place network*, and the network species
> classification *determined as a function of, at least, a type of
> network security*, a type of network management and a type of
> network addressing. (emphasis added)

Moreover, neither Ayyagari nor Mayer teaches determining the network species

classification "as a function of...a type of network security."

For at least the foregoing reasons, Ayyagari in view of Mayer does not teach every

limitation of claim 40. Accordingly, withdrawal of the rejection of independent claim 40, and claim

41-44 which depends from claim 40, is respectfully requested.

Comments on Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in

condition for allowance, the Assignee believes that it is unnecessary at this time to argue the

allowability of each of the dependent claims individually. The Assignee does not, however,

necessarily concur with the interpretation of the dependent claims as set forth in the Office Action,

nor does the Assignee concur that the basis for the rejection of any of the dependent claims is
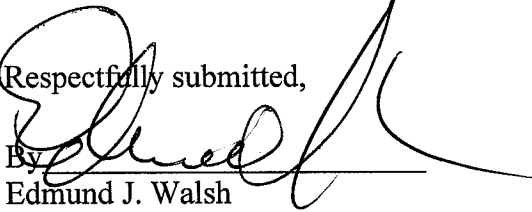
proper. Therefore, the Assignee reserves the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

CONCLUSION

In view of the foregoing, the present application is believed to be in condition for allowance. A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the application in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, any necessary extension of time is hereby requested. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. M1103.70234US00.

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